

REMARKS

Reconsideration of this application is respectfully requested.

This application has been reviewed in light of the Office Action dated July 29, 2004. Claims 1-10 are currently pending in the application.

In the Office Action, Claims 1-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Toskala et al.* (U.S. 6,456,826) in view of *Keranen et al.* (U.S. 6,681,099).

The present application is directed to a method for varying a transmission point of a dedicated channel in a CDMA communication system supporting an uplink synchronous transmission scheme (USTS). More specifically, independent Claims 1 and 6 are directed to a method for switching an operation mode from a non-USTS mode to a USTS mode in a Node B capable of communicating with a UE (User Equipment) in both the non-USTS mode and the USTS mode, and a method for connecting with a Node B in a USTS mode by a UE operating in a non-USTS mode in a cell region of the Node B, respectively. However, as indicated above, the Examiner has rejected independent Claims 1 and 6 under 35 U.S.C. § 103(a) as being unpatentable over *Toskala* in view of *Keranen*.

With regard to Claim 1, the Examiner asserts that *Toskala* teaches all the recitations of Claim 1 except for “calculating a difference value and starting point between an uplink dedicated channel frame”, which the Examiner asserts is taught in *Keranen*. Specifically, the Examiner asserts that *Toskala* teaches a method for switching an operation mode from a non-USTS mode to a USTS mode in a Node B capable of communicating with a UE in both the non-USTS mode and the USTS mode, citing the Abstract and FIGs. 1-4 of *Toskala*. It is respectfully submitted that the Examiner is incorrect.

Toskala is directed to a method for distinguishing an out-of-synchronization condition in a downlink dedicated channel from interference on that channel. As such, it is respectfully submitted

that there is no section of *Toskala* that teaches switching an operation mode from a non-USTS mode to a USTS mode in a Node B. Nor does *Keranen* cure this deficiency.

With regard to Claim 6, a similar argument to that described above with respect to Claim 1 is also applicable. That is, the Examiner asserts that *Toskala* teaches a method for connecting with a Node B in a USTS mode by a UE operating in a non-USTS mode in a cell region of the Node B, again citing the Abstract and FIGs. 1-4 of *Toskala*. It is respectfully submitted that the Examiner is incorrect.

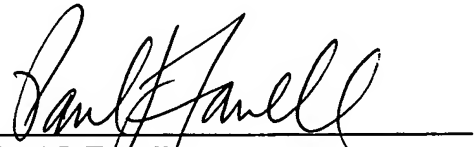
As indicated above, *Toskala* is directed to a method for distinguishing an out-of-synchronization condition in a downlink dedicated channel from interference on that channel. It is respectfully submitted that there is no section of *Toskala* that teaches connecting with a Node B in a USTS mode by a UE operating in a non-USTS mode in a cell region of the Node B, nor is this disclosed in *Keranen*.

Accordingly, it is respectfully submitted that the Examiner is incorrect in rejecting Claims 1 and 6 under 35 U.S.C. § 103(a) as being unpatentable over *Toskala* in view of *Keranen*, and it is respectfully requested that the rejection be withdrawn.

Based on the arguments presented above, it is respectfully submitted that Claims 1 and 6 are in condition for allowance. Without conceding the patentability per se of dependent Claims 2-5 and 7-10, they are likewise believed to be allowable by virtue of their dependence on Claims 1 and 6, respectively. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-5 and 7-10 are respectfully requested.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-10 are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", is written over a horizontal line.

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